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September 21, 2023

Hon. Katherine Polk Failla, U.S.D.J.  
Thurgood Marshall  
United States Courthouse  
40 Foley Square  
New York, NY 10007  
VIA ECF

**MEMO ENDORSED**

**Re: Choinski v. Brown Meadow, Inc. et al.**  
**Docket No.: 22-cv-01058-KPF**

Dear Judge Failla,

I represent Plaintiff in this matter. We are sorry that we have to ask your indulgence yet again but we finally bring good tidings. Counsel for both sides respectfully request until Monday, October 2, 2023, to file a Cheeks motion because all parties finally executed the settlement documents.

Yesterday, I did receive original documents executed by Defendants. While Plaintiff had already executed the settlement documents on August 30, 2023, I was not certain that Defendants would do it at all. Fearing that Defendants would ultimately walk away from the deal, I had not worked on the Cheeks motion. I will need until October 2, 2023 to draft one.

Consequently, counsel request the parties should be given time until October 2, 2023 to file the Cheeks motion and that the scheduling conference, set for September 26, 2023 be adjourned sine die.

Respectfully submitted,

/s/ Robert Wisniewski  
Robert Wisniewski

cc:

Frank Brennan, Esq. via ECF  
*Counsel for Defendants*

Application GRANTED. While the Court is rather baffled by Mr. Wisniewski's excuse, it will grant this request one final time. The initial pretrial conference currently scheduled for September 26, 2023, is hereby ADJOURNED sine die. Absent the most extraordinary of circumstances, the Court **will not grant another extension**.

The Clerk of Court is directed to terminate the pending motion at docket number 52.

SO ORDERED.

Dated: September 21, 2023  
New York, New York

*Katherine Polk Failla*

HON. KATHERINE POLK FAILLA  
UNITED STATES DISTRICT JUDGE